

US EPA ARCHIVE DOCUMENT

PR III
HSWA I
Signed 5/3/94

MODEL REVISION ATTORNEY GENERAL'S STATEMENT FOR FINAL
AUTHORIZATION FOR CHANGES TO THE FEDERAL
RCRA PROGRAM FROM JANUARY 1983 THROUGH
DECEMBER 1990

I hereby certify, pursuant to my authority as Attorney General and in accordance with Section 3006(b) of the Resource Conservation and Recovery Act, as amended by the Hazardous and Solid Waste Amendments of 1984 (42 USC 6901 et seq.), and 40 CFR 271 that in my opinion the laws of the State of Louisiana provide adequate authority to carry out the revised program set forth in the revised "Program Description" submitted by the Louisiana Department of Environmental Quality. The specific authorities provided are contained in statutes or regulations lawfully adopted at the time this Statement is signed and which are in effect now, as specified below. These authorities and this certification supplement the previously certified authorities described in my certification(s) of May 13, 1991.

The State of Louisiana was previously granted authorization for Base Program - nonHSWA III. Authorization is pending for HSWA II, nonHSWA IV - VI, RCRA I and II, as well as the revisions being submitted with this HSWA I package.

I. IDENTIFICATION AND LISTING

A. State statutes and regulations contain lists of hazardous waste which encompass all wastes controlled under the following Federal regulations as indicated in the designated Revision Checklists:

- (3) TDI, DNT and TDA wastes, 40 CFR 261.32, 261.33(f), and Part 261 Appendices III, VII and VIII as amended October 23, 1985 [50 FR 42936], Revision Checklist 18.
- (4) Spent solvents, 40 CFR 261.31, as amended December 31, 1985 [50 FR 53319] and January 21, 1986 [51 FR 2702], Revision Checklist 20.
- (5) EDB wastes, 40 CFR 261.32 and Part 261 Appendices II, III and VIII, as amended February 13, 1986 [51 FR 5330], Revision Checklist 21.
- (6) Four spent solvents, 40 CFR 261.31, 261.33(f), and Part 261 Appendices III, VII and VIII as amended February 25, 1986 [51 FR 6541], Revision Checklist 22.
- (9) EBDC wastes, 40 CFR 261.32 and Part 261 Appendices III and VII, as amended on October 24, 1986 [51 FR 37725], Revision Checklist 33.

Federal Authority: RCRA §3001(b).

Citation of Laws and Regulations; Date of Enactment and Adoption
Louisiana Revised Statutes 30: 2180 et seq

LHWR Secs.	4901.C	as amended June 20, 1990, effective June 20, 1990;
	4901.F	as amended April 20, 1989, effective April 20, 1989;
	4901.G.Tbl 6	as amended June 20, 1990, effective June 20, 1990;
	3105.Tbl 1	as amended May 20, 1990, effective May 20, 1990;

LHWR Secs. 4901.B.Tbl 1

as amended June 20, 1990, effective June 20, 1990.

Remarks of the Attorney General

The state provisions are equivalent. There are no equivalent state citations to 40 CFR Part 261 Appendices II and III. However, these appendices are referenced in the LHWRs.

B. State statutes and regulations define hazardous waste so as to control the generation, transportation, treatment, storage and disposal of hazardous waste produced by small quantity generators of less than 100 kilograms/month as indicated in Revision Checklist 23 (which supersedes prior amendments by Revision Checklist 17 A). State statutes and regulations also require small quantity generators to certify good faith efforts to minimize waste generation and to select the best available and affordable treatment, storage or disposal alternatives, 40 CFR Part 262 as amended October 1, 1986 [51 FR 35190], Revision Checklist 32 (see Item IX below).

Federal Authority: RCRA §3001(d); 40 CFR Parts 260-263 and 270 as amended March 24, 1986 (51 FR 10146), October 1, 1986 (51 FR 35190), and July 19, 1988 (53 FR 27162).

Citation of Laws and Regulations; Date of Enactment and Adoption

Louisiana Revised Statutes 30: 2180 et seq

LHWR Secs.	105	as amended June 20, 1990, effective June 20, 1990;
	109	as amended June 20, 1990, effective June 20, 1990;
	3903	as amended April 20, 1987, effective April 20, 1987;
	3905	as amended March 20, 1990, effective March 20, 1990;
	3907	as amended April 20, 1990, effective April 20, 1990;
	3909-3917.A&B	as amended April 20, 1990, effective April 20, 1990;
	3917.C	as amended April 20, 1990, effective April 20, 1990;
	4901.F	as amended April 20, 1989, effective April 20, 1989;
	1109.E.1	as amended April 20, 1990, effective April 20, 1990;
	1109.E.7-9	as amended April 20, 1990, effective April 20, 1990;
	1111.E	as amended April 20, 1991, effective April 20, 1991;
	1307.I	as amended April 20, 1990, effective April 20, 1990;
	305.C.2	as amended April 20, 1990, effective April 20, 1990;
	303.E.1	as amended April 20, 1990, effective April 20, 1994.

Remarks of the Attorney General

LHWR Secs. 3903-3917 are more stringent because the Louisiana Hazardous Waste Regulations have no provisions for conditionally exempt small quantity generators.

C. State statutes and regulations provide authority to delist hazardous waste as indicated in Revision Checklist 17 B.

- (1) State statutes and regulations require that before deciding to delist a waste, the State must consider whether any listing factor (including additional constituents) other than those for which the waste was listed would cause the waste to be hazardous.

Federal Authority: RCRA §3001(f)(1); 40 CFR 260.22 as amended July 15, 1985 (50 FR 28702) and June 27, 1989 (54 FR 27114).

- (2) State statutes and regulations require that there be no new temporary delistings without prior notice and comment. All temporary delistings received before November 18, 1984 without the opportunity for public comment and full consideration of such comment, shall lapse if not made final by November 8, 1986.

Federal Authority: RCRA §3001(f)(2); 40 CFR 260.20(d) as amended July 15, 1985 (50 FR 28702).

Citation of Laws and Regulations; Date of Enactment and Adoption
Louisiana Revised Statutes 30: 2180 et seq

LHWR Secs. 105.M as amended April 20, 1990, effective April 20, 1990.

Remarks of the Attorney General
The state provisions are equivalent.

E. State statutes and regulations define hazardous waste so as to not exclude household waste other than those household wastes excluded in 40 CFR 261.4(b)(1), as indicated in Revision Checklist 17 C.

Federal Authority: RCRA §3001; 40 CFR 261.4(b)(1) as amended November 13, 1984 (49 FR 44980) and July 15, 1985 (50 FR 28702).

Citation of Laws and Regulations; Date of Enactment and Adoption
Louisiana Revised Statutes 30: 2180 et seq

LHWR Secs. 105.D.10 as amended April 20, 1990, effective April 20, 1990.

Remarks of the Attorney General
The state provisions are equivalent.

III. MANAGEMENT OF DIOXIN WASTES

A. State statutes and regulations contain the following requirements regarding dioxin wastes as indicated in Revision Checklist 14:

- (1) Dioxin wastes are listed and otherwise identified as hazardous wastes so as to encompass all such wastes controlled under 40 CFR 261.5(e), 261.7(b), 261.30(d), 261.31, 261.33(f), and Part 261 Appendix X.
- (2) Special management and permitting standards for facilities managing dioxin wastes and prohibitions applicable to permitted and interim status facilities, as provided in 40 CFR Parts 264, 265, and 270.

Federal Authority: RCRA §§3001 and 3004; 40 CFR Parts 261, 264, 265 and 270 as amended January 14, 1985 (50 FR 1978).

Citation of Laws and Regulations; Date of Enactment and Adoption
Louisiana Revised Statutes 30: 2180 et seq

LHWR Secs.	3911.A&B	as amended April 20, 1990, effective April 20, 1990;
	109	as amended June 20, 1990, effective June 20, 1990;
	4901.A.2	as amended April 20, 1990, effective April 20, 1990;
	4901.B.Tbl 1	as amended April 20, 1990, effective April 20, 1990;
	4901.G.Tbl 6	as amended April 20, 1990, effective April 20, 1990;
	3105.Tbl 1	as amended September 20, 1987, effective September 20, 1987;
	2111.C&D	as amended April 20, 1990, effective April 20, 1990;
	1909.C	as amended July 20, 1990, effective July 20, 1990;
	2917.A&B	as amended April 20, 1990, effective April 20, 1990;
	2317.A&B	as amended April 20, 1990, effective April 20, 1990;
	2723.A&B	as amended April 20, 1990, effective April 20, 1990;
	2523.A&B	as amended April 20, 1990, effective April 20, 1990;
	3111.A	as amended April 20, 1990, effective April 20, 1990;
	4301.G.1	as amended April 20, 1990, effective April 20, 1990;
	4522.A&B	as amended April 20, 1990, effective April 20, 1990;
	4534.A&B	as amended April 20, 1990, effective April 20, 1990;
	517.I	as amended April 20, 1990, effective April 20, 1990;
	523.G	as amended April 20, 1990, effective April 20, 1990;
	525.J	as amended April 20, 1990, effective April 20, 1990;
	527.J	as amended April 20, 1990, effective April 20, 1990;
	531.H	as amended April 20, 1990, effective April 20, 1990;
	533.J	as amended April 20, 1990, effective April 20, 1990.

Remarks of the Attorney General

LHWR Sec. 3911 is more stringent because the Louisiana Hazardous Waste Regulations have no provisions for conditionally exempt small quantity generators. There are no equivalent state citations to 40 CFR Part 261 Appendix X. However, this appendix is referenced in the LHWRs.

VI. PAINT FILTER TEST

A. State statutes and regulations require the use of a paint filter test to determine the absence or presence of free liquids in either a containerized or bulk waste as indicated in Revision Checklists 16, 17 F and 25.

Federal Authority: RCRA §§3004 and 3005; 40 CFR Parts 260, 264, 265, and 270 as amended April 30, 1985 (50 FR 18370), July 15, 1985 (50 FR 28702) and May 28, 1986 (51 FR 19176).

Citation of Laws and Regulations; Date of Enactment and Adoption

Louisiana Revised Statutes 30: 2180 et seq

LHWR Secs.	1519.B.7	as amended June 20, 1989, effective June 20, 1989;
	1529.B.6	as amended April 20, 1990, effective April 20, 1990;
	2515.C	as amended April 20, 1990, effective April 20, 1990;
	4313	as amended June 20, 1989, effective June 20, 1989;
	4357.B.3	as amended June 20, 1989, effective June 20, 1989;
	4507	as amended March 20, 1984, effective March 20, 1984;
	2515.A	as amended April 20, 1990, effective April 20, 1990;
	2515.D	as amended April 20, 1990, effective April 20, 1990;
	2515.D.1	as amended April 20, 1990, effective April 20, 1990;

LHWR Secs. 2515.D.2 as amended April 20, 1990, effective April 20, 1990;
4507 as amended March 20, 1984, effective March 20, 1984;
533.H as amended April 20, 1990, effective April 20, 1990;

Remarks of the Attorney General

LHWR Secs. 2515 and 4507 are more stringent because the LHWRs prohibit bulk or non-containerized liquid hazardous waste or hazardous waste containing free liquids from being landfilled.

LHWR Secs. 4313 and 4507 are more stringent because Louisiana requires that these sections be subject to full status facility requirements rather than interim status requirements.

VII. NATIONAL UNIFORM MANIFEST SYSTEM AND RECORDKEEPING

A. State statutes and regulations require generators to use the national uniform manifest as indicated in Revision Checklist 32.

Federal Authority: RCRA §§2002, 3002 and 3003; 40 CFR Parts 260 and 262 as amended March 20, 1984 (49 FR 10490) and October 1, 1986 (51 FR 35190).

Citation of Laws and Regulations; Date of Enactment and Adoption

Louisiana Revised Statutes 30: 2180 et seq

LHWR Secs. Louisiana Notification of Hazardous Waste Activity Form

Remarks of the Attorney General

The state provisions are equivalent.

VIII. BIENNIAL REPORT

A. State statutes and regulations contain the following reporting requirements as indicated in Revision Checklist 30.

- (1) The biennial report contains the information indicated in 40 CFR 262.41(a), 264.75 and 265.75.

Federal Authority: RCRA §§3002 and 3004; 40 CFR Parts 262, 264 and 265 as amended January 28, 1983 (48 FR 3977) and August 8, 1986 (51-FR 28566).

Citation of Laws and Regulations; Date of Enactment and Adoption

Louisiana Revised Statutes 30: 2180 et seq

LHWR Secs. 1529.D.9 as amended April 20, 1989, effective April 20, 1989;
1529.D.10 as amended April 20, 1989, effective April 20, 1989;
1529.D.7 as amended April 20, 1989, effective April 20, 1989;
4361 as amended March 1984, effective March 20, 1984.

Remarks of the Attorney General

LHWR Sec. 4361 is more stringent because Louisiana requires that this section be subject to full status facility requirements rather than interim status requirements.

IX. WASTE MINIMIZATION

A. State statutes and regulations contain the following requirements regarding waste minimization as indicated in Revision Checklists 17 D, 30 and 32 (see Item I B above).

- (1) Generators must submit report and manifest certifications regarding efforts taken to minimize the amounts and toxicity of wastes.

Federal Authority: RCRA §3002(a)(6), (b); 40 CFR 262.41, 264.75 and 265.75 as amended July 15, 1985 (50 FR 28702), August 8, 1986 (51 FR 28556) and October 1, 1986 (51 FR 35190).

Citation of Laws and Regulations; Date of Enactment and Adoption

Louisiana Revised Statutes 30: 2180 et seq

LHWR Secs. 1111.B.1.f-h as amended April 20, 1991, effective April 20, 1991;
1529.D.7,9,&10 as amended April 20, 1989, effective April 20, 1989;
4361 as amended March 1984, effective May 20, 1994.

Remarks of the Attorney General

LHWR Sec. 4361 is more stringent because Louisiana requires that this section be subject to full status facility requirements rather than interim status requirements.

- (2) RCRA permits for the treatment, storage, or disposal of hazardous waste on the premises where the waste was generated must contain a certification by the permittee regarding efforts taken to minimize the amount and toxicity of the generated wastes.

Federal Authority: RCRA §3005(h); 40 CFR 264.70, 264.73 and 270.30(j)(2) as amended July 15, 1985 (50 FR 28702).

Citation of Laws and Regulations; Date of Enactment and Adoption

Louisiana Revised Statutes 30: 2180 et seq

LHWR Secs. 901 as amended March 1984, effective March 20, 1984;
1529.B.19 as amended April 20, 1989, effective April 20, 1989;
309.J.2 as amended July 1990, effective July 20, 1990.

Remarks of the Attorney General

The state provisions are equivalent.

X. LIQUIDS IN LANDFILLS

A. State statutes and regulations contain the following requirements regarding liquids in landfills as indicated in Revision Checklists 17 F and 25.

- (1) Effective May 8, 1985, there is a ban on the placement of bulk or non-containerized liquid hazardous waste or hazardous waste containing free liquids in any landfill pursuant to 40 CFR 264.314 and 265.314 as amended July 15, 1985 and May 28, 1986.

- (2) Effective November 8, 1985, there is a ban on the placement of non-hazardous liquids in landfills unless the owner or operator satisfies the criteria set forth in 40 CFR 264.314(e) and 265.314(f), as amended July 15, 1985 and May 28, 1986.
- (3) For bulk or non-containerized liquid wastes or wastes containing free liquids they may be placed in a landfill prior to May 8, 1985, only if the requirements of 40 CFR 264.314(a) and 265.314(a) are met.

Federal Authority: RCRA §3004(c); 40 CFR 264.314, 265.314 and 270.21(h) as amended July 15, 1985 (50 FR 28702) and May 28, 1986 (51 FR 19176).

Citation of Laws and Regulations; Date of Enactment and Adoption

Louisiana Revised Statutes 30: 2180 et seq

LHWR Secs.	2515.A	as amended April 20, 1990, effective April 20, 1990;
	2515.D	as amended April 20, 1990, effective April 20, 1990;
	2515.D.1	as amended April 20, 1990, effective April 20, 1990;
	2515.D.2	as amended April 20, 1990, effective April 20, 1990;
	4507	as amended March 20, 1984, effective March 20, 1984;
	533.H	as amended April 20, 1990, effective April 20, 1990.

Remarks of the Attorney General

LHWR Secs. 2515 and 4507 are more stringent because the LHWRs prohibit bulk or non-containerized liquid hazardous waste or hazardous waste containing free liquids from being landfilled. LHWR Sec. 4507 is also more stringent because Louisiana requires that this section be subject to full status facility requirements rather than interim status requirements.

XI. GROUND-WATER MONITORING

A. State statutes and regulations provide that the 3004 groundwater monitoring requirements applicable to surface impoundments, waste piles, land treatment units and landfills shall apply whether or not such units are located above the seasonal high water table, have two liners and a leachate collection system or have liners that are periodically inspected, as indicated in Revision Checklist 17 I.

Federal Authority: RCRA §3004(p); 40 CFR 264.222, 264.252, 264.253, and 264.302 as amended July 15, 1985 (50 FR 28702).¹

Citation of Laws and Regulations; Date of Enactment and Adoption

Louisiana Revised Statutes 30: 2180 et seq

LHWR Secs.	2905	as amended April 20, 1984, effective April 20, 1984;
	2305	as amended April 20, 1984, effective April 20, 1984;
	2505	as amended April 20, 1984, effective April 20, 1984.

¹Note that Revision Checklist 17 I reserved the cited sections of 40 CFR Part 264. Prior to Revision Checklist 17 I, these sections of code addressed exemptions from the Subpart F groundwater monitoring requirements.

Remarks of the Attorney General

The state provisions are equivalent.

B. State statutes and regulations may allow variances from the ground-water monitoring requirements as provided in 3004(p). However, those variances must be restricted as provided in RCRA 3004(p) as indicated in Revision Checklist 17 I.

Federal Authority: RCRA §3004(p); 40 CFR 264.90(b) as amended July 15, 1985 (50 FR 28702).

Citation of Laws and Regulations; Date of Enactment and Adoption

Louisiana Revised Statutes 30: 2180 et seq

LHWR Secs. 3301.B as amended August 20, 1984, effective August 20, 1984.

Remarks of the Attorney General

The state provisions are equivalent.

XII. BURNING AND BLENDING OF HAZARDOUS WASTES

A. State statutes and regulations provide the following requirements:

- (1) The burning of fuel containing hazardous waste in a cement kiln is prohibited as specified in 40 CFR 266.31 and Revision Checklist 17 J.

Federal Authority: RCRA §3004(q); 40 CFR 266.31 as amended July 15, 1985 (50 FR 28702).

Citation of Laws and Regulations; Date of Enactment and Adoption

Louisiana Revised Statutes 30: 2180 et seq

LHWR Secs. 4141.F.2 as amended April 20, 1990, effective April 20, 1990.

Remarks of the Attorney General

The state provisions are equivalent.

- (2) Fuels containing hazardous waste and all persons who produce, distribute and market fuel containing hazardous wastes must be regulated as indicated in Revision Checklists 17 J, 17 K, and 19.

Federal Authority: RCRA §§3004(q)-(s); 40 CFR 261.31 and 266.34 as amended July 15, 1985 (50 FR 28702), November 29, 1985 (50 FR 49164), and November 19, 1986 (51 FR 41900).

Citation of Laws and Regulations; Date of Enactment and Adoption

Louisiana Revised Statutes 30: 2180 et seq

LHWR Secs. 1109.B as amended September 20, 1987, effective September 20, 1987;
4141.D.1-6 as amended April 20, 1990, effective April 20, 1990.

Remarks of the Attorney General

The state provisions are equivalent.

XIII. CORRECTIVE ACTION

A. State statutes and regulations contain the following corrective action requirements as indicated in Revision Checklist 17 L:

- (1) Corrective action is required for releases of hazardous waste or constituents from any solid waste management unit at a facility seeking a permit, regardless of when the waste was placed in the unit, in all permits issued after November 8, 1984.

Federal Authority: RCRA §3004(u); 40 CFR 264.90, 264.101 and 270.60 as amended July 15, 1985 (50 FR 28702).

Citation of Laws and Regulations; Date of Enactment and Adoption

Louisiana Revised Statutes 30: 2180 et seq

LHWR Secs.	3301.A	as amended August 20, 1984, effective August 20, 1984;
	3322.A&B	as amended June 20, 1990, effective June 20, 1990;
	305.D.1.b	as amended April 20, 1990, effective April 20, 1990;
	305.D.2.h	as amended April 20, 1990, effective April 20, 1990.

Remarks of the Attorney General

The state provisions are equivalent.

- (2) Corrective action is required beyond a facility's boundary, in accordance with RCRA 3004(v). (States now may impose these requirements through a permit or a corrective action order. Once EPA promulgates the regulations required by RCRA 3004(v), States will need authority to impose corrective action in a permit following the RCRA 3004(v) regulations.)

Federal Authority: RCRA §3004(v)(1).

Citation of Laws and Regulations; Date of Enactment and Adoption

Louisiana Revised Statutes 30: 2180 et seq

Remarks of the Attorney General

The state provisions are equivalent.

- (3) Corrective action is required beyond a facility's boundary in accordance with RCRA 3004(v) for all landfills, surface impoundments and waste pile units (including any new units, replacements of existing units or lateral expansions of existing units) which receive hazardous waste after July 26, 1982.

Federal Authority: RCRA §3004(v)(2).

Citation of Laws and Regulations; Date of Enactment and Adoption

Louisiana Revised Statutes 30: 2180 et seq

Remarks of the Attorney General

The state provisions are equivalent.

- (4) There is evidence of financial responsibility for corrective action on- and off-site.

Federal Authority: RCRA §§3004(a)(6); (u); 40 CFR 264.90 and 264.101 as amended July 15, 1985 (50 FR 28702).

Citation of Laws and Regulations: Date of Enactment and Adoption

Louisiana Revised Statutes 30: 2180 et seq

LHWR Secs. 3301.A as amended August 20, 1984, effective August 20, 1984;
3322.A&B as amended June 20, 1990, effective June 20, 1990.

Remarks of the Attorney General

The state provisions are equivalent.

XIV. HAZARDOUS WASTE EXPORTS

A. State statutes and regulations require generators and transporters of hazardous waste destined for export outside the United States to comply with standards equivalent to those as indicated in Revision Checklists 17 R, 31.

Federal Authority: RCRA §3017; 40 CFR 262.50 as amended July 15, 1985 (50 FR 28702), August 8, 1986 (51 FR 28664), and July 19, 1988 (53 FR 27164).

Citation of Laws and Regulations: Date of Enactment and Adoption

Louisiana Revised Statutes 30: 2180 et seq

LHWR Secs. 1113.A as amended December 20, 1993 effective December 20, 1993.

Remarks of the Attorney General

The state provisions are equivalent. LHWR Chapter 11 is currently undergoing rulemaking to allow for importation of hazardous waste from foreign countries.

XV. STANDARDS FOR FACILITIES²

A. State statutes and regulations prohibit the land disposal of hazardous waste prohibited under 40 CFR Parts 264 and 265 as indicated in Revision Checklist 17 E. Land disposal includes, but is not limited to, placement in landfills, surface impoundments, waste piles, deep injection wells, land treatment facilities, salt dome and bed formations and underground mines or caves. Deep injection well means a well used for the underground injection of hazardous wastes other than a well to which 7010(a) of RCRA applies.

²This section contains all changes to the Federal RCRA program concerning facility standards except for those specifically related to groundwater monitoring. This latter group of facility standard changes are addressed by Section XI.

Federal Authority: RCRA §§3004(b)-(q); 40 CFR 264.18 and 265.18 as amended July 15, 1985 (50 FR 28702).

Citation of Laws and Regulations; Date of Enactment and Adoption

Louisiana Revised Statutes 30: 2180 et seq

LHWR Secs. 1503.B.7 as amended April 20, 1990, effective April 20, 1990;
4322 as amended April 20, 1990, effective April 20, 1990.

Remarks of the Attorney General

The state provisions are equivalent.

B. Effective on November 8, 1984, State statutes and regulations prohibit the placement of any non-containerized or bulk liquid hazardous waste in any salt dome or salt bed formation any underground mine or cave except as provided in 264.18(c) and 265.18(c) as indicated in Revision Checklist 17 E. Furthermore, State statutes and regulations prohibit the placement of any other hazardous waste in such formations until a permit is issued.

Federal Authority: RCRA §3004(b); 40 CFR 264.18 and 265.18 as amended July 15, 1985 (50 FR 28702).

Citation of Laws and Regulations; Date of Enactment and Adoption

Louisiana Revised Statutes 30: 2180 et seq

LHWR Secs. 1503.B.7 as amended April 20, 1990, effective April 20, 1990;
4322 as amended April 20, 1990, effective April 20, 1990.

Remarks of the Attorney General

The state provisions are equivalent.

C. State statutes and regulations prohibit the use of waste oil or other materials contaminated with hazardous wastes (except ignitable wastes) as a dust suppressant as indicated in Revision Checklist 17 G.

Federal Authority: RCRA §3004(1); 40 CFR 266.23 as amended July 15, 1985 (50 FR 28702).

Citation of Laws and Regulations; Date of Enactment and Adoption

Louisiana Revised Statutes 30: 2180 et seq

LHWR Secs. 4139.B.3&4 as amended April 20, 1990, effective April 20, 1990.

Remarks of the Attorney General

The state provisions are equivalent.

XVI. REQUIREMENTS FOR PERMITS

A. State statutes and regulations allow a facility (1) to construct an approved TSCA facility for burning PCBs without first obtaining a RCRA permit and (2) to subsequently apply for a RCRA permit in accordance with Revision Checklist 17 M.

Federal Authority: RCRA §3005(a); 40 CFR 270.10(f)(3) as amended July 15, 1985 (50 FR 28702).

Citation of Laws and Regulations: Date of Enactment and Adoption

Louisiana Revised Statutes 30: 2180 et seq

LHWR Secs. 303.H.3 as amended April 20, 1990, effective April 20, 1990.

Remarks of the Attorney General

The state provisions are equivalent.

B. State statutes and regulations require review of land disposal permits every five years and modification of such permits as necessary to assure compliance with the requirements in Parts 124, 260 through 266, and 270, as indicated in Revision Checklist 17 N.

Federal Authority: RCRA §3005(c)(3); 40 CFR 270.41(a)(6) and 270.50(d) as amended July 15, 1985 (50 FR 28702).

Citation of Laws and Regulations: Date of Enactment and Adoption

Louisiana Revised Statutes 30: 2180 et seq

LHWR Secs. 323.B.2.d as amended April 20, 1990, effective April 20, 1990;
315 as amended April 20, 1990, effective April 20, 1990.

Remarks of the Attorney General

The state provisions are equivalent.

C. State statutes and regulations require permits to contain any conditions necessary to protect human health and the environment in addition to any conditions required by regulations as indicated in Revision Checklist 17 O.

Federal Authority: RCRA §3005(c)(3); 40 CFR 270.32(b) as amended July 15, 1985 (50 FR 28702).

Citation of Laws and Regulations: Date of Enactment and Adoption

Louisiana Revised Statutes 30: 2180 et seq

LHWR Secs. 311.E as amended April 20, 1990, effective April 20, 1990.

Remarks of the Attorney General

The state provisions are equivalent.

D. State statutes and regulations require that:

- (1) For land disposal facilities granted interim status prior to 11/8/84, interim status terminates 11/8/85; unless a Part B application and certification of compliance with applicable groundwater monitoring and financial responsibility requirements are submitted by 11/8/85, as indicated in Revision Checklist 17 P.

Federal Authority: RCRA §3005(e); 40 CFR 270.73(c) as amended July 15, 1985 (50 FR 28702).

Citation of Laws and Regulations; Date of Enactment and Adoption

Louisiana Revised Statutes 30: 2180 et seq

LHWR Secs. 4305.A.1&2 as amended April 20, 1990, effective April 20, 1990.

Remarks of the Attorney General

The state provisions are equivalent.

- (2) For land disposal facilities in existence on the effective date of statutory or regulatory changes under this Act that render the facility subject to the requirement to have a permit and which is granted interim status, interim status terminates 12 months after the date the facility first becomes subject to such permit requirement unless a Part B application and certification of compliance with applicable groundwater monitoring and financial responsibility requirements are submitted by that date as indicated in Revision Checklist 17 P.

Federal Authority: RCRA §3005(e); 40 CFR 270.73(d) as amended July 15, 1985 (50 FR 28702).

Citation of Laws and Regulations; Date of Enactment and Adoption

Louisiana Revised Statutes 30: 2180 et seq

LHWR Secs. 4305.B as amended April 20, 1990, effective April 20, 1990.

Remarks of the Attorney General

The state provisions are equivalent.

- (3) Interim status terminates for incinerator facilities on 11/8/89 unless the owner/operator submits a Part B application by 11/8/86 as indicated in Revision Checklist 17 P.

Federal Authority: RCRA §3005(c)(2)(C); 40 CFR 270.73(e) as amended July 15, 1985 (50 FR 28702).

Citation of Laws and Regulations; Date of Enactment and Adoption

Louisiana Revised Statutes 30: 2180 et seq

LHWR Secs. 4305.E as amended April 20, 1990, effective April 20, 1990.

Remarks of the Attorney General

The state provisions are equivalent.

- (4) Interim status terminates for any facility other than a land disposal or an incineration facility on 11/8/92 unless the owner/operator submits a Part B application by 11/8/88 as indicated in Revision Checklist 17 P.

Federal Authority: RCRA §3005(c)(2)(C); 40 CFR 270.73(f) as amended July 15, 1985 (50 FR 28702).

Citation of Laws and Regulations; Date of Enactment and Adoption

Louisiana Revised Statutes 30: 2180 et seq

LHWR Secs. 4305.C as amended April 20, 1990, effective April 20, 1990.

Remarks of the Attorney General

The state provisions are equivalent.

E. State statutes and regulations allow facilities to qualify for interim status if they (1) are in existence on the effective date of statutory or regulatory changes that render the facility subject to the requirement to have a permit and (2) comply with 270.70(a) as indicated in Revision Checklist 17 P.

Federal Authority: RCRA §3005(e); 40 CFR 270.70(a) as amended July 15, 1985 (50 FR 28702).

Citation of Laws and Regulations; Date of Enactment and Adoption

Louisiana Revised Statutes 30: 2180 et seq

LHWR Secs. 4301.A-E as amended April 20, 1991; effective April 20, 1991.

Remarks of the Attorney General

The state provisions are equivalent.

F. State statutes and regulations provide that facilities may not qualify for interim status under the State's analogue to Section 3005(e) if they were previously denied a Section 3005(c) permit or if authority to operate the facility has been terminated as indicated in Revision Checklist 17 P.

Federal Authority: RCRA §3005(c)(3); 40 CFR 270.70(c) as amended July 15, 1985 (50 FR 28702).

Citation of Laws and Regulations; Date of Enactment and Adoption

Louisiana Revised Statutes 30: 2180 et seq

LHWR Secs. 4301.F as amended March 20, 1987, effective March 20, 1987.

Remarks of the Attorney General

The state provisions are equivalent.

G. State statutes and regulations allow the issuance of a one-year research, development, and demonstration permit (renewable each year, but not for a period longer than three years) for any hazardous waste treatment facility which proposes an innovative and experimental hazardous waste treatment technology or process not yet regulated as indicated in Revision Checklist 17 Q. If adopted, however, the State must require the facility to meet RCRA's financial responsibility and public participation requirements and retain authority to terminate experimental activity if necessary to protect health or the environment.

Federal Authority: RCRA §3005(g); 40 CFR 270.65 as amended July 15, 1985 (50 FR 28702)

Citation of Laws and Regulations; Date of Enactment and Adoption

Louisiana Revised Statutes 30: 2180 et seq

LHWR Secs. 329 as amended April 20, 1990, effective April 20, 1990.

Remarks of the Attorney General

The state provisions are equivalent.

H. State statutes and regulations require landfills, surface impoundments, land treatment units, and waste piles that received waste after July 26, 1982 and which qualify for interim status to comply with the groundwater monitoring, unsaturated zone monitoring, and corrective action requirements applicable to new units at the time of permitting as indicated in Revision Checklist 17 L.

Federal Authority: RCRA §3005(i); 40 CFR 264.90(a) as amended July 15, 1985 (50 FR 28702).

Citation of Laws and Regulations: Date of Enactment and Adoption

Louisiana Revised Statutes 30: 2180 et seq

LHWR Secs. 3301.A as amended August 20, 1984, effective August 20, 1984.

Remarks of the Attorney General

The state provisions are equivalent.

XVII. MINIMUM TECHNOLOGICAL REQUIREMENTS

A. State statutes and regulations require that new units, expansions, and replacements of interim status waste piles meet the requirements for a single liner and leachate collection system in regulations applicable to permitted waste piles as indicated in the Revision Checklist 17 H.

Federal Authority: RCRA §3015(a); 40 CFR 265.254 as amended July 15, 1985 (50 FR 28702).

Citation of Laws and Regulations: Date of Enactment and Adoption

Louisiana Revised Statutes 30: 2180 et seq

LHWR Secs. 4476 as amended March 1990, effective March 20, 1990.

Remarks of the Attorney General

The state provisions are equivalent.

B. State statutes and regulation require:

- (1) New units, expansions, and replacement units at interim status landfills and surface impoundments and landfills and surface impoundments for which Part B of the permit application is received by the proper authority after November 8, 1984, meet the requirements for double liners and leachate collection systems applicable to new permitted landfills and surface impoundments in 40 CFR 264.221 and 264.301 and 265.221 and 265.301 as indicated in Revision Checklists 17 H.

Federal Authority: RCRA §§1006, 2002(a), 3004, 3005 and 3015(b); 40 CFR 264.221, 265.221, 264.301 and 265.301 as amended July 15, 1985 (50 FR 28702) and May 9, 1990 (55 FR 19262).

- (2) Facilities which comply in good faith need not retrofit at permit issuance unless the liner is leaking as provided in 265.221(e) and 265.301(e) as indicated in Revision Checklist 17 H.

Federal Authority: RCRA §3015(b); 40 CFR 264.221, 265.221 and 265.301 as amended July 15, 1985 (50 FR 28702).

- (3) Variances from the above requirements are optional. However, the availability of such variances is restricted as provided in 264.221(d) and (e), 264.301(d) and (e), 265.221(c) and (d), and 265.301(c) and (d) as indicated in Revision Checklist 17 H.

Federal Authority: RCRA §3015(b); 40 CFR 264.221, 265.221 and 265.301 as amended July 15, 1985 (50 FR 28702).

Citation of Laws and Regulations; Date of Enactment and Adoption

Louisiana Revised Statutes 30: 2180 et seq

LHWR Secs. 2903.A, I-K	as amended July 20, 1991, effective July 20, 1991;
4462.A-E	as amended July 20, 1992, effective July 20, 1992;
2503.A, K-M, C-G	as amended July 20, 1991, effective July 20, 1991;
4512.A-E	as amended July 20, 1992, effective July 20, 1992.

Remarks of the Attorney General

LHWR Sec. 2903.A is more stringent because the State regulations add a liner requirement that the Federal regulations do not include.

XVIII. EXPOSURE ASSESSMENTS

A. State laws and regulations require permit applicants for landfills or surface impoundments to submit exposure information as indicated in Revision Checklist 17 S.

Federal Authority: RCRA §3019(a); 40 CFR 270.10(j) as amended July 15, 1985 (50 FR 28702).

Citation of Laws and Regulations; Date of Enactment and Adoption

Louisiana Revised Statutes 30: 2180 et seq

LHWR Secs. 303.P as amended April 20, 1990, effective April 20, 1990.

Remarks of the Attorney General

The state provisions are equivalent.

XX. BURNING OF WASTE FUEL AND USED OIL FUEL IN BOILERS AND INDUSTRIAL FURNACES

A. State statutes and regulations contain the following requirements regarding the burning of waste fuel and used oil fuel for energy recovery in boilers and industrial furnaces as indicated in Revision Checklist 19:

- (1) Waste fuels and used oil fuels are identified as solid wastes so as to encompass all such wastes controlled under 40 CFR 261.3, 261.5 and 261.6.
- (2) Special management standards for generators, transporters, marketers and burners of hazardous waste and used oil burned for energy, as set forth in 40 CFR 264.340, 265.340, 266.30-35 and 266.40-44.

Federal Authority: RCRA §§3001, 3004 and 3014(a); 40 CFR Parts 261, 264, 265 and 266 as amended November 29, 1985 (50 FR 49164), November 19, 1986 (51 FR 41900) and April 13, 1987 (52 FR 11819).

Citation of Laws and Regulations: Date of Enactment and Adoption

Louisiana Revised Statutes 30: 2180 et seq

LHWR Secs.	109	as amended June 20, 1990, effective June 20, 1990;
	105.D.33.b	as amended April 20, 1989, effective April 20, 1989;
	3905	as amended January 1, 1986, effective January 20, 1986;
	3917.C	as amended April 20, 1990, effective April 20, 1990;
	4105.C.5	as amended April 20, 1990, effective April 20, 1990;
	4105.B.3,10-14	as amended September 20, 1987, effective September 20, 1987;
	3105.A.2	as amended August 20, 1988, effective August 20, 1988;
	4513.B	as amended April 20, 1990, effective April 20, 1990;
	4141.A.1&2.a-b	as amended October 20, 1989, effective October 20, 1989;
	4141.B.1-3	as amended September 20, 1987, effective September 20, 1987;
	4141.C	as amended April 20, 1990, effective April 20, 1990;
	4141.D.1-6	as amended April 20, 1990, effective April 20, 1990;
	4141.E.1-5	as amended April 20, 1990, effective April 20, 1990;
	4141.F.1-3	as amended April 20, 1990, effective April 20, 1990;
	4147.A.1-5	as amended March 20, 1990, effective March 20, 1990;
	4147.B.1-2	as amended March 20, 1990, effective March 20, 1990;
	4147.C.1-3	as amended March 20, 1990, effective March 20, 1990;
	4147.D.1-7	as amended March 20, 1990, effective March 20, 1990;
	4147.E.1.a-e	as amended March 20, 1990, effective March 20, 1990;

Remarks of the Attorney General

LHWR Secs 3905 and 3917.C are more stringent because the Louisiana Hazardous Waste Regulations have no provisions for conditionally exempt small quantity generators.

XXII. MEMORANDUM OF AGREEMENT (MOA)

To satisfy Federal procedural requirements, the Attorney General certifies the following:

- (1) The State has the authority to enter into the agreement,
- (2) The State has the authority to carry out the agreement, and
- (3) No applicable State statute (including the State Administrative Procedure Act) requires that the procedure be promulgated as a rule in order to be binding.]

Seal of Office

Richard P. Ieyoub
Attorney General

BY: 

Ian Douglas Lindsey
Assistant Attorney General

Date

3 May 1994